

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

Case 10-CA-124089

**AMERICAN POSTAL WORKERS'
UNION, AFL-CIO**

ORDER¹

The Employer's petition to revoke subpoena duces tecum B-1-HTAYRJ is denied. The subpoenas seek information relevant to the matters under investigation and describe with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations.² Further, the Employer has failed to establish any other legal basis for revoking the subpoenas.³ See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB*

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² Member Johnson would grant the Employer's petition in part by limiting the scope of paragraph 5 to those materials in the possession of the Employer's supervisors and agents at the Duluth, Georgia facility or in the possession of supervisors, agents, Media Relations Specialists, and/or Corporate Communications Specialists who were present at union protests that occurred in Georgia on March 4, 9, 11, or 15, 2014. He would do so without prejudice to the Region's right to issue a new subpoena seeking additional information if the information provided by the Employer under the instant subpoena, as limited, was insufficient to resolve the matter at issue and if the Region can establish that a search from a larger set of supervisors and agents is warranted.

³ To the extent that the Employer has provided some of the requested material, it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously-supplied documents constitute all of the responsive documents, and provides all of the information that was subpoenaed.

v. Carolina Food Processors, Inc., 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., September 26, 2014.

PHILIP A. MISCIMARRA,	MEMBER
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KENT. Y. HIROZAWA,	MEMBER
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HARRY I. JOHNSON, III,	MEMBER
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